

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER EDELBACHER,  
Petitioner,

No. C 17-0118 WHA (PR)

**ORDER OF TRANSFER**

v.

CALIFORNIA BOARD OF PAROLE  
HEARINGS,

Respondent.

Petitioner is a state prisoner currently incarcerated at Pleasant Valley State Prison in Coalinga, California. He has filed a petition for a writ of habeas corpus challenging a decision by the Board of Parole Hearings that he may not be considered for release under the “Elder Parole Program.”

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993). If the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2);

1 *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

2       Petitioner challenges the manner in which his sentence is being executed insofar as he  
3 challenges the decision that he is not eligible for release on parole. Thus the district of his  
4 confinement is the preferable forum for his petition. Pleasant Valley State Prison, where he is  
5 confined, is located within the venue of the Eastern District of California. Accordingly, in the  
6 interest of justice, and pursuant to 28 U.S.C. 1406(a), that this action be **TRANSFERRED** to the  
7 United States District Court for the Eastern District of California.

8       The clerk shall transfer this matter forthwith.

9       **IT IS SO ORDERED.**

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11 Dated: May 4, 2017.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE